

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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HENRY PEREZ,

Plaintiff(s),

v.

ROSS AND NEIL, et al.,

Defendant(s).

Case No. 2:14-CV-676 JCM (CWH)

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Hoffman. (Doc. # 4). No objections were filed, and the deadline for filing objections has passed.

On June 9, 2014, Judge Hoffman issued an order and report and recommendation. (Doc. # 2). Upon screening plaintiff's complaint, Judge Hoffman granted plaintiff's application to proceed *in forma pauperis*, dismissed several claims without prejudice, and recommended that plaintiff's Eighth and Fifth Amendment claims be dismissed with prejudice. (Doc. # 2). Plaintiff was given thirty days to file an amended complaint.

On August 1, 2014, the court issued an order adopting Judge Hoffman's report and recommendation in their entirety and dismissing plaintiff's Eighth and Fifth Amendment claims with prejudice. (Doc. # 5).

Plaintiff has not submitted an amended complaint. Accordingly, Judge Hoffman issued a second report and recommendation, recommending that the remaining claims be dismissed and that the case be closed. (Doc. # 4).

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...

1 This court “may accept, reject, or modify, in whole or in part, the findings or
 2 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects
 3 to a magistrate judge’s report and recommendation, then the court is required to “make a de novo
 4 determination of those portions of the [report and recommendation] to which objection is made.”
 5 28 U.S.C. § 636(b)(1).

6 Where a party fails to object, however, the court is not required to conduct “any review at
 7 all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149
 8 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
 9 magistrate judge’s report and recommendation where no objections have been filed. *See United*
 10 *States v. Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
 11 employed by the district court when reviewing a report and recommendation to which no
 12 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003)
 13 (reading the Ninth Circuit’s decision in *Reyna–Tapia* as adopting the view that district courts are
 14 not required to review “any issue that is not the subject of an objection.”). Thus, if there is no
 15 objection to a magistrate judge’s recommendation, then this court may accept the recommendation
 16 without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a
 17 magistrate judge’s recommendation to which no objection was filed).

18 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
 19 whether to adopt the recommendation of the magistrate judge. Upon reviewing the
 20 recommendation and underlying briefs, this court finds good cause appears to ADOPT the
 21 magistrate judge’s findings in full.

22 Accordingly,

23 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
 24 recommendation of Magistrate Judge Hoffman, (doc. # 4), are ADOPTED in their entirety.

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1 IT IS FURTHER ORDERED that this action be, and the same hereby is, DISMISSED.

2 The clerk shall close the case.

3 DATED March 30, 2015.

4 
UNITED STATES DISTRICT JUDGE